

California Architects

a publication of the california architects board

public protection through examination, licensure and regulation



Interview with NCARB President

Bill Bevens, AIA, became NCARB president in June 2001. In a recent interview, we asked him to describe the goals, priorities and action items for his term.

CAB: What have been your priorities as president and what will they be for the duration of your term?

Bevens: I have a few key issues that I began working on last year as first vice president. They are issues that we continually face each year: continuing education, the Broadly Experienced Architect (BEA) program and expanding our relationships with collateral organizations. The issue of international practice has also consumed a fair amount of my time, something I had not anticipated when I began my term.

More and more states are requiring continuing education for architects to maintain their license in the state. And every state seems to do things just a little bit differently. I put together a task force this year to examine what's out there and on the horizon and perhaps come up with a proposal to standardize things that the Council could deal with at the annual meeting. There are a multitude of requirements — and it is the practicing architects that suffer. If they have to hire a secretary just to keep up with their continuing education, then it's gotten way too complicated.

Another issue was the BEA program. I've been a proponent of another means toward NCARB certification other than our traditional accredited degree requirement — only because we still have 17 or so states that haven't adopted a mandatory accredited degree, and it doesn't look like that's going to happen in the near or distant future. Two of the states, California and New York, have huge numbers of architects.

continued page » 3

Architectural Education

by L. Kirk Miller, FAIA,
President

California Architects Board



The recently released NCARB *Practice Analysis* reports that architectural educators think their students, after graduation from an accredited architectural program, have learned 54 percent more knowledge and skills than do the architects who then employ and train them.

This analysis is further evidence of the continuing disconnect between architectural education and practice. Previous surveys, studies, and articles by the National Academy of Sciences, the AIA, numerous architectural and educational periodicals, and books on the practice of architecture lament the lack of preparation that students receive for the real world of practice.

While studio courses are credited with imparting excellent design skills, students are not as strong as they should be in knowledge of how to implement their designs within the realistic constraints of practice, and to adequately protect the public health, safety, and welfare.

continued page » 2

Education *continued*

Various pedagogical solutions have been debated, but none have taken hold. Of major concern is that the curricula of schools of architecture are already full. How can aspects of professional practice and applied sciences be reinforced without shorting design, the social sciences, and problem-solving skills?

The California Architects Board has played a historic role in the education of architects. By working positively and closely with NCARB, AIA, and ACSA (Association of Collegiate Schools of Architecture) we can suggest realistic and positive corrective courses of action.

To that end, California is taking the lead, together with other boards from the Western Conference of Architectural Registration Boards (WCARB), in organizing an Education Conference to be held in Portland, Oregon, on March 22, 2002. The theme of

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the program is “Putting Practice into Education.”

Following the WCARB conference, we hope to hold a “California Education and Practice Conference” early next year. From discussions between practitioners and educators, we can develop reasoned and positive recommendations for NCARB, AIA, and ACSA to help carry forward. A potential goal is to have these

recommendations presented to NAAB (National Architectural Accreditation Board) in the autumn of 2003, when they hold their tri-annual validation conference, which evaluates and revises the criteria upon which the programs of schools of architecture are accredited.

The imposition of a mandatory Intern Development Program in California makes it even more important that we continue to address the role of education in preparing future architects. ■

LEGISLATION UPDATE: Three New Bills Affect Architects



AB 1144 Architectural Services: This bill requires architects to file with the California Architects Board their current mailing address and the proper and current name and address of the entity (individual, firm, corporation or limited liability partnership) through which they provide architectural services. The bill is intended to make it easier for the public to gain information about architects and where they practice. It will also make it easier for the Board to communicate with licensees and the public. A task force of the Board's Regulatory and Enforcement Committee will be developing an implementation plan for this new requirement. Licensees will be notified as more information becomes available.

AB 1596 Limited Liability Partnerships: This law extends until January 1, 2007, the authorization to form limited liability partnerships and foreign limited liability partnerships to engage in the practice of architecture. This bill was sponsored by The American Institute of Architects, California Council (AIACC).

SB 724 Use of the Words “Certify” and “Certification”: Adds Business and Professions Code section 5536.26 which reads, “The use of the words “certify” and “certification” by a licensed architect in the practice of architecture constitutes an expression of professional opinion regarding the facts or findings that are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied.” This section was inserted into SB 724, the Senate Business and Professions Committee’s “clean-up” bill, by AIACC. ■

The United States has a number of architects without accredited degrees who have been licensed in a jurisdiction, practicing for many years. Because of their background, they do not meet the education standard for the traditional route for NCARB certification. The Council Member Boards need to recognize that architectural practice is a measure of one's competency and that competency in practice does protect the health, safety and welfare of the public. The BEA program does that, but it's a very complicated, expensive, and time-consuming process that few people participate in. My goal is to simplify the BEA process. We have a committee that's looking at that process and hopefully they'll suggest some revisions.

On the international front — as I said, it wasn't a high priority for me when I began the term. I've found that the United States government is making it a higher priority than perhaps even the states would like. The federal government is entering into trade agreements with the European Union, NAFTA, and the Asian-Pacific Economic Cooperation. Services are part of these agreements, and that includes architectural services. So I've had to deal with international issues more than I expected. Is it a high priority? I really feel if we can somehow deal with the issues in the United States of recognizing people with different credentials, we can let that filter over and also

allow that same process to dictate how we deal with foreign architects with different credentials. I don't think it's something that the NCARB or the states can ignore — it's part of life today.

Another priority of mine was to continue developing our relationships with collateral organizations. We've come a long way in our relationships with The American Institute of Architects (AIA) and other organizations. This year we have AIA observers on six of our committees. In the

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past, we've had maybe one or two. The AIA has reciprocated by allowing us to be observers on some of their committees.

CAB: How can California assist NCARB?

Bevins: California has always been a leader in bringing forth ideas and challenging the way things are done. And there's nothing wrong with that. Through my tenure with NCARB, I've always appreciated the challenges that California brings to the table in dealing with NCARB. Some of them have been extremely good, and some not so good, but in the big picture, I think California as a state is very progressive with the way they regulate architects and I think the council benefits from having California be that progressive.

NCARB looks to see how California does things. One example is this IDP issue that California's dealing with now. CAB is not satisfied with purely a quantity-based IDP program. They would like it to be quality based. For years NCARB has felt that way but has never been able to come up with a method to assess quality. California has undertaken that charge on its own and we're interested to see what they develop. If California can figure out a way to do it, we'll

be more than anxious to see how it's done.

CAB is very independent at times, which I think on the whole is good. I don't have a problem with that and I think they're always looking for ways to better the organization. My encouragement to California is to continue on.

CAB: How can NCARB help California implement IDP in 2005?

Bevins: We'll do whatever we can to help you implement IDP, from staff providing assistance to holding seminars and speaking to groups. I think NCARB is just enormously pleased that California is on the verge of adopting IDP. And we're very interested to see what comes out of the California research into the qualitative-based IDP.

continued page » 4

NCARB President *continued*

CAB: Will NCARB adapt IDP to the changing roles of the profession?

Bevins: I think all of NCARB's programs from the ARE to IDP are programs-in-process, and as the profession changes, those programs will change also. We make whatever changes to the IDP program necessary to keep it current with the way the profession operates. I will have to say that I think sometimes we're on the tail end of the stick. The profession changes so fast every day. Programs, policies, statutes, and the like are always behind. It's difficult to keep them current, but we have a mission to try.

CAB: When will the new ARE be finalized? Will the graphics section be improved?

Bevins: We need to let the development of the ARE set its own timeline. Our history with the ARE has been that when we've

tried to force things into the marketplace that weren't ready to be there, we paid the price for it. We are currently looking at the ARE. I have a task force that's dealing with what they call a new item type that allows more types of questions to be asked, especially when they involve graphic problems. So the ARE is an evolutionary process and the changes that we are looking at now will enhance it and make it a more comprehensive exam. They're on the drawing board. I would say that probably in the next five years we'll see results from the work.

CAB: You mentioned dealing with a new item type. What does that mean?

Bevins: Because the ARE is a computer-administered exam, you have to write questions that fit the computer model. One of the things we found when we got into the computer exam business

was that questions had to be structured in certain ways. Some questions couldn't be asked because of the computer's inability to grade the answers. You have to keep in mind that NCARB was literally on the cutting edge of computer testing, especially in the graphic areas. The technology at the time we made the transition in about 1997 was very young. It was actually being developed as we were doing it. A lot of that technology is extremely advanced now so we're able to ask and grade more sophisticated questions so that we can assess better knowledge of the candidate in simpler ways.

We're extremely excited about the ability to integrate graphics into the new item type. We can introduce a graphic floor plan onto the screen and ask numerous questions about that floor plan that in the past we weren't able to do. ■

NCARB Committee Assignments

NCARB President Bill Bevins has appointed the following CAB representatives to NCARB committee positions for the 2001–2002 year:



Gordon Carrier to the *ARE Specification Task Force*, which develops specifications for the content of the ARE; the *Committee on Examination*, which coordinates the

preparation of the ARE for use by member boards including establishing grading methods and procedures; and the *Committee on International Relations*, which studies issues in international practice.



Doug McCauley to the *Member Board Administrators Committee*, which reviews resolutions, policies and procedures for administrative impact on member boards.



Kirk Miller to the *Committee on the Intern Development Program (IDP)*, which oversees the Intern Development Program including fostering its acceptance by member boards.



Ed Oremen to the *Committee on Education*, which oversees NCARB policies and procedures related to education in the field of architecture.



Marc Sandstrom to the *ARE Administration Task Force*, which reviews the administration of the ARE, especially the efficacy, security, and integrity of the examination process. ■



How an Architect Can Get Involved

To stay vital and to protect the public health, safety, and welfare, the architectural profession requires the commitment of practicing architects to serve in many roles. Here are a few suggestions of ways you can expand the part you play in the profession.



California Supplemental Examination Commissioners

There is a continual need for California architects (licensed for five or more years) to serve as commissioners to administer the California Supplemental Examination. The supplemental exam is administered six times per year, alternating between Northern and Southern California. Examinations are usually held over two days — on Mondays and Tuesdays — and require 70 to 80 commissioners for each administration. If you are interested in serving as a supplemental examination commissioner, please contact CAB's California Supplemental Examination Unit at (916) 445-3394 or by e-mail at cab@dca.ca.gov.

Intern Development Program – Mentors

As the mandatory Intern Development Program (IDP) date of January 2005* approaches, one of the major issues California faces is the need for qualified mentors who can help candidates or interns navigate the internship process and move successfully to competency and licensure. IDP involves the compilation and maintenance of a record of internship activity reflecting structured exposure to 16 key areas of practice based on a specified number of hours under the direct supervision of a qualified professional. There will be the obvious need for architects who are supervisors to participate in the program. Another way for architects to make an important contribution is through mentoring. As part of IDP, each

continued page » 6

CAB Elects New Board Officers for 2002

New officers for the coming year were elected at the Board's December 7, 2001 meeting.

KIRK MILLER, FAIA, an architect member of the Board since 1997, was elected president. Miller is a principal of Kirk Miller Affiliates, in San Francisco. He is past chair of The American Institute of Architects National Ethics Council and past secretary and director of The American Institute of Architects, California Council. He served as the Board's secretary in 2000 and vice president in 2001. He has also chaired the Board's Task Force on Post-Licensure Competency and served as a member of the Professional Qualifications Committee, Executive Committee, and the Examination Committee. He is currently serving on the NCARB Internship Development Program (IDP) Committee.

GORDON CARRIER, AIA, an architect member of the Board since 1995, was elected vice president. Carrier is president of Carrier Johnson, an architectural firm headquartered in downtown San Diego, with an office in Irvine. He is a member of the Young Presidents' Organization, San Diego Chapter Lambda Alpha International, and the Greater San Diego Chamber of Commerce. He is the President elect of the AIA San Diego chapter. Carrier serves on the Board of Economic Development Corporation, has previously served on the San Diego Mayoral Design Advisory Council and was a board member of the City of San Diego's Redevelopment Agency. He served as the Board's president in 2001, vice president in 2000, secretary in 1998, member of the Task Force on Post-Licensure Competency, member of the Professional Qualifications Committee since 1997, and Executive Committee since 2000. He also served as an examination item writer for the NCARB national exam and is currently on the NCARB ARE Specifications Task Force, Committee on Examination, Committee on International Relations, and member of the NAAB's pool of visiting professionals.

CYNTHIA C. ONG, a public member of the Board since June 2000, was elected secretary. Ong is an educator as well as an attorney. She has taught in the Los Angeles unified school district, the Los Angeles Community College system and at UCLA. As an attorney she has served as a state deputy public defender and a state deputy attorney general for the state of California. She completed her undergraduate work at UCLA and earned her JD at UCLA School of Law. She is presently serving on the Executive Committee, Regulatory and Enforcement Committee, Examination Committee, and IDP Implementation Task Force. ■

Report of Settlement or Arbitration Award

Business and Professions Code Sections 5588 and 5589

What do you do now that a dispute with your client has been settled? After realizing that this ordeal is over and prior to getting on with your practice and life, remember that the Architects Practice Act requires every license holder to notify the California Architects Board (CAB) of any settlement or arbitration award in excess of \$5,000. This notification must provide a complete report of the settlement and the precipitating claim or action for damages allegedly caused by the architect's fraud, deceit, negligent acts, incompetence, or recklessness in practice.

If the license holder is covered by professional liability insurance, the insurer is also required by Business & Professions Code (B&PC) section 5588 to report the settlement to CAB. The report must be sent within 30 days after the settlement agreement has been consented to by the insured or within 30 days after service of the arbitration award on the parties.

If the license holder is not insured, B&PC section 5589 requires the architect to file the report with CAB *and* with the claimant and/or claimant's attorney within 30 days after the settlement agreement has been consented to by the license holder or within 30 days after service of the arbitration award on the parties. If the claimant has not received a copy of the notification and report within 45 days of the settlement or the award, then the claimant or claimant's attorney is obligated to make a complete report to CAB. Failure to file the report is a misdemeanor punishable by fines ranging from \$100 to \$1,000. Knowing and intentional failure to comply with this requirement is a misdemeanor punishable by fines ranging from \$10,000 to \$100,000.

Upon receipt of the report, CAB's Enforcement Unit will open a complaint file and the reported allegations will be reviewed for potential violations of the Architects Practice Act. Typically, these reports are given top priority for review and recommendation. There is rarely sufficient evidence to prove and support findings of practice act violations in these cases, in which case, they are appropriately closed. However, if there is evidence to support findings of practice act violations, then CAB will proceed with the appropriate disciplinary action. ■

Reminder:

A license holder is in violation of the Architects Practice Act for simply failing to report any settlement or arbitration awards in excess of \$5,000. Remember to include this reporting step in your dispute resolution closeout procedures.

Involved *continued*

intern is required to designate a mentor with whom the intern confers on a regular basis to ensure that his or her career is on track and that the IDP training areas are being addressed.

The American Institute of Architects, California Council (AIACC) is taking an active role in helping architects move into their roles as IDP mentors as part of a larger mentoring program currently in the pilot stage. According to AIACC, the goal of the new AIACC mentor program is to team associate members with veterans in the field who can mentor and guide them as they navigate the process of licensure, building portfolios, and making other career decisions. Though broader than IDP mentoring, the program will provide invaluable information and training to practicing architects who will serve as IDP mentors.

If you would like information on becoming a mentor, please contact Nicki Dennis, Director of Membership and Component Resources for AIACC, at (916) 448-9082 or visit www.aiacc.org/mentoring.

Speaker's Bureau

The Board is also looking for architects interested in speaking to colleges and intern groups about becoming a licensed architect and the role of the California Architects Board in protecting the public's health, safety and welfare. The Board is often approached for speaking opportunities and plans to expand that role by creating a speaker's bureau to reach out further into the student and candidate communities. If you are interested in being part of the speaker's bureau, please contact Nikki Paschal of the Board at (916) 445-3394 or by e-mail at cab@dca.ca.gov. ■

** Implementation of mandatory IDP subject to approval of regulatory changes.*



ENFORCEMENT ACTIONS

CAB is responsible for receiving and investigating complaints against licensees and unlicensed persons. CAB also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by CAB against individuals who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, you should contact CAB. Further information on specific violations may also be obtained by contacting the Board.

Administrative Action

GARO GIRAGOS BABIKIAN (Laguna Niguel) Garo Giragos Babikian's architect license, #C-9865, was revoked effective November 16, 2000, after the Board adopted a Proposed Decision by an Administrative Law Judge. The decision also ordered Mr. Babikian to reimburse the Board \$4,712.50 for its reasonable costs of investigation and enforcement. An Accusation was filed against Mr. Babikian for violations of Business and Professions Code section 5536 (Practice Without a License or Holding Self Out as an Architect) and section 5577 (Conviction of Certain Crimes). Mr. Babikian's license expired on December 31, 1995 and was not renewed until December 28, 1999. The Accusation was based on evidence that while Mr. Babikian's license was expired, he held himself out as an architect and offered and provided architectural services. The Board's investigation revealed that: 1) On or about April 23, 1998, he received

\$950 from a client to begin repair on the roof of her home. He also used the term "architect" or "architecture" on his letterhead and business card. Mr. Babikian did not begin the repairs on the roof nor did he return the client's money. 2) On or about April 16, 1998, he received \$12,000 to provide architectural services for the design and construction of an automotive repair shop. In addition, he used the term "architect" on his proposal and contract with the client. Mr. Babikian did not complete the project, nor did he return the client's money.

As a result of the Board's investigation, a six-count criminal misdemeanor complaint was filed in the Alhambra Judicial District Municipal Court on April 1, 1999. On June 8, 1999, Mr. Babikian pled nolo contendere to conducting business as an architect

without a license. Imposition of sentence was suspended and he was placed on 3 years formal probation with terms and conditions requiring him to make restitution of \$12,950 and ordering him not to contract without a business license.

Mr. Babikian filed a Petition for Writ of Mandate in Superior Court, appealing the Board's decision to revoke his license. On August 7, 2001, the Superior Court denied Mr. Babikian's appeal, thus upholding the Board's revocation of his license.

Citation

VICTOR M. PALOS (Upland) The Board issued an administrative citation to Victor M. Palos, architect license number #C-26203, for a violation of Business and Professions Code section 5536.22 (Written Contract). This action was taken based on evidence that Mr. Palos commenced preparing preliminary site plans for a shopping center without having an executed written contract for professional services or an appropriate notice to proceed. The citation became effective November 1, 2001. ■



California Architects Board

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Inside This Issue

WINTER 2002

- Interview with NCARB President ... 1
- Architectural Education 1
- Legislation Update 2
- NCARB Committee Assignments ... 4
- How an Architect Can
Get Involved 5
- CAB Elects New Board Officers 5
- Settlement/Award Reporting
Requirement 6
- Enforcement Actions 7



Why Buildings Fail: NCARB's Newest Monograph

NCARB's newest monograph offers an inside look at the reason buildings fail and strategies for prevention. "Failures seldom result from a single error made by an individual," notes monograph author Kenneth L. Carper, a registered architect and professor at Washington State University. In the monograph, Carper explores

the complexity of failures and causes with a focus on avoidance strategies. Using a conscientious mix of case studies, the 120-page book allows the architect to appreciate the sources of poor performance and what could have prevented the failures.

The monograph is part of the NCARB's Professional Development Program created to address the need for continuing education and professional development verification. Successful completion of the quiz accompanying the monograph equals 10 contact hours in Health, Safety and Welfare and 10 AIA Learning Units. All monograph quizzes may now be completed on line, offering immediate results and acknowledgment of completion. For non-NCARB certificate holders, the price for the monograph is \$195 or \$125 for NCARB certificate holders. For more information or to order, contact NCARB at (202) 783-6500 or visit the Web site at www.ncarb.org/publications. ■

**NEW ON
THE CAB
WEB SITE:**



Energy Links

The energy crisis may be old news to many people, but conserving energy and resources is always a hot topic for architects. The CAB Web site now features links to a variety of resources that deal with energy efficiency, sustainability, and other related topics. Visit the Web site at www.cab.ca.gov. If you haven't been there before, you'll find the site puts a wealth of information at your fingertips. ■

TO GET IN TOUCH WITH US

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